

## **REMARKS**

### ***I. The Objections Under Section 112***

In the Office Action, the Examiner rejected Claim 9 under Section 112 for failing to be enabling for all hydrophobic compounds. With this Amendment, the Applicant has amended Claim 9 to overcome these objections. Subpart (3) of Claim 9 has been amended to read “a compound containing a hydrophobic group selected from a group consisting of octadecyl isocyanate, hydroxysuccinamide, perfluoro-1-octanesulfonyl fluoride, and palmitoyl chloride fatty acid chloride.”

### ***II. Substantive Rejections***

Examiner rejected Claim 9 under 18 U.S.C, 103 because the Examiner believed that Applicant's invention was obvious in light of Alwattari, U.S. Patent No. 5,874,072.

Alwattari relates to mascara and eye makeup compositions. Alwattari does disclose using any number of natural film forming polymers, including hydroxyethyl cellulose and hydroxypropyl cellulose, along with water insoluble polymer, to create a hybrid mascara composition. It is noteworthy that Alwattari's compounds are used exclusively in connection with the production of compositions designed to be used externally, on the face or eyelashes, and the mascara disclosed by Alwattari is not designed to protect the underlying tissue.

Applicant has addressed these rejections in multiple ways. First, Applicant has limited its water insoluble compounds in response to Examiner's Section 112 rejections. Applicant has restricted the scope of Claim 9 by adding these specified hydrophobic group containing compounds. These newly recited compounds are neither disclosed nor suggested by Alwattari. In

summary, the newly recited compounds not only overcome the Examiner's Section 112 rejections, but they also overcome the Examiner's Section 103 rejections. The Applicant submits that Claim 9, as amended, therefore patentably distinguishes the applicant's invention from the art of record, and should be allowed.

Additionally, Applicant would also like to reiterate that, for the purpose of in situ film formation on mucosal tissue, hydroxyethyl cellulose and hydroxypropyl cellulose are not equivalent. Pomerantz, U.S. Patent 5, 081, 158, discusses the interchangeability of hydroxyethyl cellulose and hydroxypropyl cellulose, and concludes that hydroxyethylcellulose and hydroxypropylcellulose are not substitutes (column 2, lines 27-30).

### ***III. Conclusion***

For the foregoing reasons, the Applicant submits that his claim, as amended, patentably distinguishes the Applicant's invention from the art of record. Re-examination and re-consideration, culminating in the allowance of all the claim, is respectfully requested.

It is respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

### ***IV. Request for Appropriate Extension of Time***

If necessary, Applicant requests that this Response be considered a Request for an Extension of Time for a time appropriate for the response to be timely filed. Applicant requests that any required fees needed beyond those submitted with this Response be charged to the account of **E. Victor Indiano, Deposit Account Number 50-1590**.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'E. Victor Indiano', is written over a horizontal line.

E. Victor Indiano, #30,143

cc Mr. Anthony J. Moravec  
Mr. Ryan Moravecc

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